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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FREDERICK SCHIFF,
Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,
Defendants.

NARDA GILLESPIE et al.,
Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,
Defendants.

MARK OSUNA,
Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,
Defendants.

No. C-03-4345 MMC
No. C-04-2261 MMC
No. C-04-2262 MMC

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION; VACATING
DISMISSAL ORDERS; GRANTING IN
PART AND DENYING IN PART
GILLESPIE PLAINTIFFS' MOTION TO
COMPEL MARK SULLIVAN TO
EXECUTE SETTLEMENT AGREEMENT
AND FOR EQUITABLE DISTRIBUTION
OF SETTLEMENT PROCEEDS;
GRANTING DEFENDANTS' MOTION TO
ENFORCE SETTLEMENT AGREEMENT;
DENYING DEFENDANTS' MOTION FOR
ATTORNEYS' FEES AND COSTS
AGAINST MARK SULLIVAN**

(Docket Nos. 198 and 203 in Case No.
C-03-4345; Docket Nos. 133 and 138 in
Case No. C-04-2261)

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1 On July 12, 2007, Magistrate Judge Joseph C. Spero issued a report and
2 recommendation with respect to the following motions: (1) the motion filed March 23, 2007,
3 in case No. C-04-2261, by plaintiffs Narda Gillespie, Donald Woolard, Michael Zurcher,
4 Dennis Quinn, Michael Hughes, Gregory Mar, and Tom Feledy ("Gillespie plaintiffs"), titled
5 "Application for an Order to Show Cause Compelling Mark Sullivan to Execute the
6 Settlement Agreement or in the Alternative an Order Affirming the Settlement Agreement;
7 and an Order for Equitable Distribution of Proceeds Pursuant to Award of Arbitrator in the
8 Absence of an Agreement, or in the Alternative, for a Settlement Conference" ("Gillespie
9 Motion"); (2) the motion filed March 26, 2007, in Case No. C-03-4345, by defendant City
10 and County of San Francisco ("City"), titled "Motion to Enforce Settlement Agreement
11 Against Plaintiff Mark Sullivan" ("City's Motion to Enforce"); and (3) the motion filed May 23,
12 2007, in Case No. C-03-4345, by the City, titled "Motion for Attorneys' Fees and Costs
13 Against Plaintiff Mark Sullivan" ("City's Sanctions Motion"). Pursuant to 28 U.S.C.
14 § 636(b)(1), any objections thereto were required to be filed within ten days. To date, no
15 objections have been filed.

16 Having reviewed the matter de novo, the Court, for the reasons expressed therein,
17 hereby ADOPTS the report and recommendation.

18 Accordingly,

19 1. The orders dismissing the three above-titled actions are hereby VACATED and
20 the instant actions are hereby restored to the Court's calendar.

21 2. The Gillespie Motion is hereby GRANTED to the extent the Gillespie plaintiffs
22 seek an order enforcing the settlement agreement; the City's Motion to Enforce also is
23 hereby GRANTED. Plaintiff Mark Sullivan is hereby ordered to execute the settlement
24 agreement within fourteen days of the date of this order.

25 3. In all other respects, the Gillespie Motion is hereby DENIED.

26 4. The City's Sanctions Motion is hereby DENIED.

27 5. The parties are hereby directed to notify the Court within seven days of approval
28 of the settlement by the appropriate agencies. When such notification is received, the

1 Court will dismiss the instant actions with prejudice.

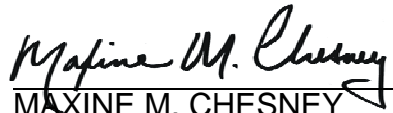
2 6. If the appropriate agencies do not approve the settlement, the parties shall
3 appear for a case management conference on January 11, 2008 at 10:30 a.m., and shall
4 file a joint case management statement in each of the above-titled actions no later than
5 January 4, 2008. If approval of the settlement is still pending at that time, the Court will,
6 upon motion by any party, grant a continuance of the case management conference.

7 7. If plaintiffs wish to participate in a settlement conference before Magistrate Judge
8 Spero with respect to resolving their disputes regarding distribution of the settlement
9 proceeds, plaintiffs shall contact Magistrate Judge Spero's chambers.

10 This order terminates Docket Nos. 198 and 203 in Case No. C-03-4345; Docket
11 Nos. 133 and 138 in Case No. C-04-2261.

12 **IT IS SO ORDERED.**

13 Dated: August 8, 2007


MAXINE M. CHESNEY
United States District Judge